

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE KAMAL ROY, *pro se* :
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ORDER OF DISMISSAL
08-CV-0388 (DLI)

IRIZARRY, United States District Judge:

Pro se plaintiff Kamal Roy, a frequent litigant in this and other jurisdictions,¹ filed a new submission on January 17, 2008. Plaintiff's request to proceed *in forma pauperis* is granted for the limited purpose of this order. For the reasons set forth below, the action is dismissed.

As in plaintiff's past filings, his recent submission consists of numerous pages of incomprehensible writings. The court is unable to identify any defendants because the document lacks a coherent caption. The submission also fails to conform to Rule 8 of the Federal Rules of Civil Procedure, which requires: "(1) a short and plain statement of the grounds upon which the court's jurisdiction depends . . ., (2) a short and plain statement of the claim showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief the pleader seeks." Fed. R. Civ. P. 8(a). Moreover, because the deficiencies in the complaint do not appear capable of being cured by amendment, the court concludes that it would be futile to grant leave to amend the complaint. *See O'Hara v. Weeks Marine, Inc.*, 294 F.3d 55, 69 (2d Cir. 2002).

Accordingly, the submission is dismissed, *sua sponte*, for failure to conform with Rule 8 and because the action is frivolous. *See* 28 U.S.C. § 1915(e)(2)(B) (requiring a district court to dismiss a case if the court determines that the action "(i) is frivolous or malicious; (ii) fails to state a claim

¹ See the court's order in *Roy v. We the People*, No. 07-CV-2930-DLI, 2007 WL 4299177 (E.D.N.Y. December 5, 2007), for a description of Mr. Roy's litigious habits and prior cases in this District.

on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.”). Mr. Roy is once again warned that future filings of vexatious and frivolous litigation may lead the court to impose an injunction prohibiting him from filing a complaint without the court’s prior authorization. *See In re Sassower*, 20 F.3d 42, 44 (2d Cir. 1994) (“With respect to civil litigation, courts have recognized that the normal opportunity to initiate lawsuits may be limited once a litigant has demonstrated a clear pattern of abusing the litigation process by filing vexatious and frivolous complaints.”). The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

DATED: Brooklyn, New York
February 15, 2008

/s/

DORA L. IRIZARRY
United States District Judge